

MAR 07 2007

Docket No. 500.44257X00  
Serial No. 10/506,540  
Office Action dated September 7, 2006REMARKS

By the present Amendment, claims 1, 4, 5, 10, 14, 15, and 19 have been amended. Claims 6, 9, 13, and 18 have been canceled. Claim 24 is newly presented for consideration. Accordingly, claims 2, 3, 7, 8, 11, 12, 16, 17, and 20-24 are now pending in the application. Claims 1, 4, 10, 15, and 24 are independent.

In the Office Action of September 7, 2006, claims 1-3, 5, 7, 10-12, 14-17, and 19-23 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,815,249 issued to Nishi et al. ("Nishi"). Claims 1, 3, 7-10, 12, 15, 17, 22, and 23 were rejected under 35 USC §102(b) as being anticipated by Japanese Patent No. JP 2001-085308.

The Examiner's indication that claims 4, 6, 13, and 18 would be allowable, if rewritten in independent form to include all the limitations of the base claim and any intervening claims, is noted with appreciation.

Claims 1-3, 5, 7, 10-12, 14-17, and 19-23 were rejected under 35 USC §102(b) as being anticipated by Nishi. Regarding this rejection, the Office Action alleges that Nishi discloses all of the features recited in the claims.

By the present Amendment, independent claim 1 has been amended to incorporate the subject matter previously recited in claim 6. Since claim 6 was indicated as being allowable, independent claim 1 is now believed to be allowable, as stated in the Office Action.

Claims 2, 3, 5, 7, and 8 depend from independent claim 1, and are therefore believed allowable for at least the reasons set forth above with respect to independent claim 1.

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Independent claim 10 has been amended to incorporate the subject matter previously recited in claim 13. Claim 13 was indicated as being allowable in the Office Action. Accordingly, independent claim 10 is now believed to be allowable over the art of record.

Claims 11, 12, and 14 depend from independent claim 10, and are therefore believed allowable for at least the reasons set forth above with respect to independent claim 10.

Independent claim 15 has been amended to incorporate the subject matter previously recited in claim 18. Claim 18 was indicated as being allowable over the art of record. Accordingly, independent claim 15 is believed to be allowable over the art of record.

Claims 16, 17, and 19-23 depend from independent claim 15, and are therefore believed allowable for at least the reasons set forth above with respect to independent claim 15.

Claims 1, 3, 7-10, 12, 15, 17, 22, and 23 were rejected under 35 USC §102(b) as being anticipated by JP '308.

As previously discussed, independent claims 1, 10, and 15 have been amended to incorporate the subject matter previously recited in claims 6, 13, and 18, respectively. Accordingly, these claims are believed to be allowable over the art of record, as indicated in the Office Action.

Claim 4 has been amended to independent form, incorporating the subject matter previously recited in independent claim 1. As indicated in the Office Action, this claim is now believed to be in condition for allowance.

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Independent claim 24 is newly presented and defines a rotating modulator which varies wavefronts of light that comprises:

a surface which is processed in a radial form so that its sectional view varies in height in nearly sinusoidal fashion.

This particular feature is believed to be allowable over the art of record.

For the reasons stated above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a Notice of Allowance is believed in order, and courteously solicited.

If the Examiner believes that there are any matters which can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

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Applicants request any shortage or excess in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged or credited to Deposit Account No. 01-2135 (Case: 500.44257X00).

Respectfully submitted,  
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